

Serial No.: 10/598,551  
Examiner: Marshall McLeod

### REMARKS

On November 24, 2009, Examiner issued a final office action, rejecting all pending claims (claims 1, 6-7, 9, 14-15, 17 and 22) under 35 U.S.C. §103. Claims 1, 9 and 17 are independent claims. In issuing this rejection, Examiner cited Val et al. (United States Patent Number 6,763,392) and Deshpande (United States Patent Publication Number 2005/0071881).

The present invention involves an apparatus, system and methodology for delivery of different multimedia content from different sources being initiated dependent upon detecting a prescribed boundary (e.g., as defined by a End Of Clip value) of multimedia currently being delivered via a respective source. The multimedia content delivery in accordance with the claimed invention provides for transfer of digital multimedia content delivery from one multimedia source to another by intentionally switching from one multimedia content to a different multimedia content dependent upon a described and known point of the multimedia content currently being streamed.

Independent claims 1, 9 and 17 have been previously amended to recite that the streaming of different digital multimedia content must be from different content sources. A first digital multimedia content is streamed from a first content source and second digital multimedia content is streamed from a second content source different than the first content source. In this manner, the present invention allows playlist selections to be streamed from a plurality of different content sources.

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Examiner alleges that Deshpande discloses the "wherein said message is generated in response to the client application generating a SWITCH message while said network node is streaming current digital multimedia content to said digital multimedia device from a first content source different than the second content source, wherein the first content source comprises a first media clip from which said current media multimedia content is accessed for streaming and the second content source comprises a second media clip from which said digital multimedia content of the second content source is accessed for streaming" limitations of the independent claims.

Examiner cites page 8, paragraph 107 of Deshpande as disclosing these limitations. However, while the cited disclosure of Deshpande discloses two separate media clips being streamed, it fails to disclose that these two separate media clips are being sent from two different content sources. Deshpande discloses two media clips S1 and S2 which are part of the same playlist 814 as shown in FIG. 8. In contrast, the disclosure of the present invention indicates that "the client application 302 is operable to request streaming from a new playlist, whereupon the web server 306 returns the playlist URL...the client application 302 instructs the player engine 304 to send appropriate messaging to the streaming module 310 to switch to streaming from the new playlist." See p. 12 of the present application.

Examiner indicated in a March 10, 2010 advisory action that the present independent claim language, broadly interpreted, does not specifically state that the content sources cannot be within the same device (i.e. from different hard drives (memory) or from a separate partition or device within the same device (i.e. virtual server)). Examiner also indicates that the requirement that there be two separate playlists is not explicitly recited in the rejected independent claims.

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Appropriate amendments to the independent claims have been made to require that the content sources cannot be within the same device and two separate playlists are required.

All claims depending from independent claims 1, 9 and 17 are allowable for the same reasons claims 1, 9 and 17 are allowable.

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The Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for reasons clearly apparent, the Applicants respectfully request full allowance of all pending claims. If there are any matters that can be discussed by telephone to further the prosecution of the Application, the Applicants invite the Examiner to contact the undersigned at 512-306-8533 at the Examiner's convenience.

Respectfully submitted,

By: Raymond M. Galasso  
Reg. No. 37,832Correspondence Address:Alcatel Lucent  
c/o Galasso & Associates, LP  
P.O. Box 26503  
Austin, Texas 78755-0503  
(512) 306-8533 telephone  
(512) 306-8559 fax(134213)  
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